FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
Note Stamp No. 4541/2007 in
Writ Petition No. 1231/2007 (decided)
Harilal Gokuldas Mehta ..vs.. Sahiorda Swamyaprasad Sharma

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

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CORAM: R. V. MORE, J.
DATED : 7th August, 2007

Heard Mr. Chandurkar, Advocate for the petitioner and Mr. Agrawal, Advocate for respondent.

The present writ petition was disposed of by order dated 23.04.2007. The petitioner has filed note for speaking to minutes seeking clarification in the order passed by this Court.

The order challenged in the above said writ petition was an interim order. While disposing of the petition, Regular Civil Suit No. 248/2006 was directed to be heard expeditiously and in any case within a period of two months from the date of the order. The learned counsel for the petitioner submitted that clarification is required to be given that the observations made while passing the aforesaid order are *prima facie* and the same shall not be binding on the trial Court while disposing of the suit finally on merits.

Mr. Agrawal, learned counsel for the respondent,

states that there is no necessity to give any clarification as the writ petition itself arose out of an interim order.

Having heard learned counsel for the respective parties, I am of the opinion that the observations made in the order are required to be clarified. Hence, after the last paragraph of the order dated 23.04.2007, following sentence is added:-

"It is made clear that the above said observations are prima facie observations and the trial Court shall dispose of the suit independently, on its own merits and without being influenced by the observations made in the order."

JUDGE

kahale